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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
POKRZYWA, JOSEPH R	
ART UNIT	**PAPER NUMBER**
2622	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/123,145	SEKIGUCHI, KENZO	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43-46,56 and 57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43-46,56 and 57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/13/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/23/05, and has been entered and made of record. Currently, **claims 43-46, 56, and 57** are pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 6/13/05 have been considered by the examiner (see attached PTO-1449).

Claim Objections

3. **Claims 43, 56, and 57** are objected to because of the following informalities:

In ***claim 43***, lines 12-14, the limitation of "processing means for processing that facsimile image data received by said facsimile reception means without performing the converting by said conversion means in a case where said second instruction reception means receives the instruction" should be moved after the "conversion means" limitation, as there is reference to "said conversion means";

in ***claim 56***, lines 12-14, the limitation of "processing the facsimile image data received by a facsimile reception means without performing the converting by said conversion step in a case where said second instruction reception step receives the instruction" should be moved after the "converting step" limitation, as there is reference to "said conversion step";

in ***claim 57***, lines 14-17, the limitation of "computer readable program code means for processing the facsimile image data received by the facsimile reception code means without performing the converting by said conversion code means in a case where said second instruction reception code means receives the instruction" should be moved after the "computer readable program code means for converting" limitation, as there is reference to "said conversion code means"; and

in ***claim 57***, line 19, "a reception code" should read "a reception date".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claim 57** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

6. ***Claim 57*** is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

7. ***Claim 57***, while defining a computer program, does not define a "computer-readable medium" and is thus non-statutory for that reason. A computer program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 43-46, 56, and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (U.S. Patent Number 5,521,719, cited in the Office action dated 3/23/05) in view of Wada *et al.* (U.S. Patent Number 5,442,686, cited in the Office action dated 3/23/05), and further in view of Patel *et al.* ("The Multimedia Fax-MIME Gateway", IEEE MultiMedia journal, Winter 1994, pages 64-70).

Regarding ***claim 43***, Yamada discloses a communication apparatus (apparatus 111, seen in Figs. 9 and 10) comprising means for connecting to a computer network (LAN I/F 123, column 14, lines 4 through 7), means for connecting to a public telephone network (facsimile

communication unit 117, column 13, lines 36 through 63), facsimile reception means for receiving facsimile image data from a transmitting source via the public telephone network (see Fig. 10, and column 13, lines 37 through 63, and column 14, lines 52 through 62), returning means for returning a message (see Fig. 14, CED message) in response to a request (CNG message) received from the transmitting source via the public telephone network (see Figs. 3 and 14, column 7, line 63 through column 9, line 26, and column 18, lines 47 through 58), first instruction reception means for receiving an instruction generated based on the message returned by the returning means (see Figs. 11-14, being the SUB signal, having procedure number code "04", "14", or "24", column 15, lines 20 through 25, column 16, lines 28 through 33, and column 17, lines 46 through 52), second instruction reception means for receiving an instruction indicating a facsimile communication without reception of the instruction by the first instruction reception means (see Figs. 11-14, being the SUB signal, having a procedure number code "03", "13", or "23", therein not receiving the first instruction, column 15, lines 13 through 19, column 16, lines 21 through 27, and column 17, lines 40 through 45), processing means for processing the facsimile image data received by the facsimile reception means without performing the converting by the conversion means in a case where the second instruction reception means receives the instruction (column 15, lines 13 through 53, column 16, line 22 through column 17, line 8, and column 17, line 41 through column 18, line 16), recognition means for recognizing a telephone number of the transmitting source (column 7, line 63-column 8, line 19, wherein within the phase B of G-3 facsimile protocol, a TSI signal is inherently received and detected), conversion means for converting the received facsimile image data into an e-mail data format (electronic mail/file transfer communication procedure controller 122, column 13, line 64

through column 14, line 4), and transmission means for transmitting the e-mail data comprising the image file of facsimile data converted by the conversion means, in accordance with the instruction received by one of the first and second reception means (column 15, lines 20 through 48, column 16, line 28 through column 17, line 3, and column 17, line 46 through column 18, line 24).

However, Yamada fails to expressly disclose of a recognition means for recognizing a telephone number of the transmitting source **and a reception date of the facsimile image data received by the facsimile reception means**, and subsequently, transmission means for transmitting the e-mail data comprising the image file of facsimile image data and the text data of reception result including the telephone number **and the reception date** recognized by the recognition means.

Wada discloses a communication apparatus (see Fig. 1) comprising means for connecting to a public telephone network (telephone line 2a, column 3, lines 15-35), facsimile reception means for receiving facsimile image data from a transmitting source via the public telephone network (column 3, line 60-column 4, line 7), returning means for returning a message in response to a request received from the transmitting source via the public telephone network (see Fig. 3A, CED, NSF,CSI, and DIS, being in response to the CI request, column 8, lines 4-11), first instruction reception means for receiving an instruction generated based on the message returned by the returning means (column 7, line 29-column 8, line 31, see Figs. 3A and 3B), second instruction reception means for receiving an instruction indicating a facsimile communication without reception of the instruction by the first instruction reception means (column 7, line 29-column 8, line 31, see Figs.3A and 3B), recognition means for recognizing a

telephone number of the transmitting source and a reception date of the facsimile image data received by the facsimile reception means (column 5, lines 3-44, and column 7, lines 29-44), conversion means for converting the received facsimile image data into *a data format* (column 3, line 61-column 4, line 19), and transmission means for transmitting *the data* converted by the conversion means in accordance with the instruction received by one of the first and second reception means with the telephone number and the reception date recognized by the recognition means (column 5, line 45-column 6, line 2, and column 6, line 53-column 7, line 61).

Yamada & Wada are combinable because they are from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Yamada's system include the facsimile protocol recognition means, as taught by Wada, so that Yamada's system would include a recognition means for recognizing a telephone number of the transmitting source and a reception date of the facsimile image data received by the facsimile reception means, and subsequently, transmission means for transmitting the e-mail data in accordance ...with the telephone number and the reception date recognized by the recognition means. The suggestion/motivation for doing so would have been that Yamada's system would conform with well-known standards of facsimile communication, as recognized by Wada in column 1, lines 20-68. Therefore, it would have been obvious to combine the teachings of Wada with the system of Yamada.

Continuing, Yamada and Wada both fail to expressly disclose of conversion means for converting the received facsimile image data into an image file, and converting the image file and text data of reception result including the telephone number of the transmitting source and

the reception date of the facsimile image data recognized by the recognition means into an e-mail data format in which the image file is one part and the text data of reception result is another part under MIME format.

Patel discloses a communication apparatus (fax-MIME gateway, seen in Figs. 3, 4, & 7) comprising a recognition means for recognizing a telephone number of the transmitting source and a *date* of the facsimile image data received by the facsimile reception means (page 65, column 1, page 66, column 1, and Fig. 2), conversion means for converting the received facsimile image data into an image file, and converting the image file and text data of reception result including the telephone number of the transmitting source and *the date* of the facsimile image data recognized by the recognition means into an e-mail data format in which the image file is one part and the text data of reception result is another part under MIME format (page 66, column 2, and page 67, column 1-page 68, column 1), and subsequently, transmission means for transmitting the e-mail data comprising the image file of facsimile image data converted by the conversion means and the text data of reception result including the telephone number and *the date* recognized by the recognition means, in accordance with the instruction received (page 69, columns 1 and 2).

Yamada, Wada, and Patel are combinable because they are all from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Yamada and Wada's system include the MIME conversion means, as taught by Patel. The suggestion/motivation for doing so would have been that Yamada and Wada's system would conform with well-known standards of facsimile to e-mail communication, as recognized by

Patel on pages 64 and 65. Therefore, it would have been obvious to combine the teachings of Patel with the system of Yamada and Wada to obtain the invention as specified in claim 43.

Regarding ***claim 44***, Yamada, Wada, and Patel disclose the apparatus discussed above in claim 43, and Wada further teaches that the returning means returns the response message as voice guidance information (column 9, line 33-column 10, line 68).

Yamada, Wada, & Patel are combinable because they are from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the further voice guidance teachings of Wada in the system of Yamada. The suggestion/motivation for doing so would have been that Yamada's system would become more user-friendly with the incorporation of Wada's teachings, since message senders would be given guidance information to assist in the operation, as read in column 9, line 33-column 10, line 68. Therefore, it would have been obvious to combine the teachings of Wada with the system of Yamada, Wada, and Patel to obtain the invention as specified in claim 44.

Regarding ***claim 45***, Yamada, Wada, and Patel disclose the apparatus discussed above in claim 43, and Yamada further teaches that the instruction reception means receives the instruction by a tone signal (column 7, line 63 through column 9, line 14).

Regarding ***claim 46***, Yamada, Wada, and Patel disclose the apparatus discussed above in claim 45, and Yamada further teaches that the tone signal is a DTMF signal (column 8, line 52 through column 9, line 14, and column 19, line 61 through column 20, line 23, wherein the PB signal, as well as the keyed input registered data, each would inherently be a DTMF signal).

Regarding ***claim 56***, Yamada discloses a method for a communication apparatus (apparatus 111, seen in Figs. 9 and 10) comprising connecting to a computer network (via LAN I/F 123, column 14, lines 4 through 7), connecting to a public telephone network (via facsimile communication unit 117, column 13, lines 36 through 63), receiving facsimile image data from a transmitting source via the public telephone network (see Fig. 10, and column 13, lines 37 through 63, and column 14, lines 52 through 62), returning a message (see Fig. 14, CED message) in response to a request (CNG message) received from the transmitting source via the public telephone network (see Figs. 3 and 14, column 7, line 63 through column 9, line 26, and column 18, lines 47 through 58), receiving first instruction generated based on the message returned by a returning means (see Figs. 11-14, being the SUB signal, having procedure number code "04", "14", or "24", column 15, lines 20 through 25, column 16, lines 28 through 33, and column 17, lines 46 through 52), receiving second instruction indicating a facsimile communication without reception of the first instruction received by the first instruction reception step (see Figs. 11-14, being the SUB signal, having a procedure number code "03", "13", or "23", therein not receiving the first instruction, column 15, lines 13 through 19, column 16, lines 21 through 27, and column 17, lines 40 through 45), processing the facsimile image data received by a facsimile reception means without performing the converting by the conversion step in a case where the second instruction reception step receives the instruction (column 15, lines 13 through 53, column 16, line 22 through column 17, line 8, and column 17, line 41 through column 18, line 16), recognizing a telephone number of the transmitting source (column 7, line 63-column 8, line 19, wherein within the phase B of G-3 facsimile protocol, a TSI signal is inherently received and detected), converting the received facsimile image data into

an e-mail data format (electronic mail/file transfer communication procedure controller 122, column 13, line 64 through column 14, line 4), and transmitting the e-mail data comprising the image file of facsimile image data converted by the conversion step in accordance with the instruction received by the instruction by one of the first and second instruction reception step (column 15, lines 20 through 48, column 16, line 28 through column 17, line 3, and column 17, line 46 through column 18, line 24).

However, Yamada fails to expressly disclose of a recognition step of recognizing a telephone number of the transmitting source **and a reception date** of the facsimile image data received in the facsimile reception step, and subsequently, transmitting step of transmitting the e-mail data comprising the image file of facsimile image data and the text data of reception result including the telephone number **and the reception date** recognized in the recognition step.

Wada discloses a method for a communication apparatus (see Figs. 1-4) comprising connecting to a public telephone network (telephone line 2a, column 3, lines 15-35), receiving facsimile image data from a transmitting source via the public telephone network (column 3, line 60-column 4, line 7), returning a message in response to a request received from the transmitting source via the public telephone network (see Fig. 3A, CED, NSF, CSI, and DIS, being in response to the CI request, column 8, lines 4-11), receiving first instruction generated based on the message returned by a returning means (column 7, line 29-column 8, line 31, see Figs. 3A and 3B), receiving second instruction indicating a facsimile communication without reception of the first instruction received by the first instruction reception step (column 7, line 29-column 8, line 31, see Figs.3A and 3B), recognizing a telephone number of the transmitting source and a reception date of the facsimile image data received by the facsimile reception step (column 5,

lines 3-44, and column 7, lines 29-44), converting the received facsimile image data into *a data format* (column 3, line 61-column 4, line 19), and transmitting *the data* converted by the conversion step in accordance with the instruction received by one of the first and the second instruction reception step with the telephone number and the reception date recognized by the recognition step (column 5, line 45-column 6, line 2, and column 6, line 53-column 7, line 61).

Yamada & Wada are combinable because they are from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Yamada's system include the facsimile protocol recognition means, as taught by Wada, so that Yamada's system would include a recognition means for recognizing a telephone number of the transmitting source and a reception date of the facsimile image data received by the facsimile reception means, and subsequently, transmission means for transmitting the e-mail data in accordance ...with the telephone number and the reception date recognized by the recognition means. The suggestion/motivation for doing so would have been that Yamada's system would conform with well-known standards of facsimile communication, as recognized by Wada in column 1, lines 20-68. Therefore, it would have been obvious to combine the teachings of Wada with the system of Yamada.

Continuing, Yamada and Wada both fail to expressly disclose of conversion means for converting the received facsimile image data into an image file, and converting the image file and text data of reception result including the telephone number of the transmitting source and the reception date of the facsimile image data recognized by the recognition means into an e-mail

data format in which the image file is one part and the text data of reception result is another part under MIME format.

Patel discloses a method for a communication apparatus (fax-MIME gateway, seen in Figs. 3, 4, & 7) comprising recognizing a telephone number of the transmitting source and a *date* of the facsimile image data received in a facsimile reception step (page 65, column 1, page 66, column 1, and Fig. 2), converting the received facsimile image data into an image file, and converting the image file and text data of reception result including the telephone number of the transmitting source and *the date* of the facsimile image data recognized in the recognition step into an e-mail data format in which the image file is one part and the text data of reception result is another part under MIME format (page 66, column 2, and page 67, column 1-page 68, column 1), and subsequently, transmitting the e-mail data comprising the image file of facsimile image data converted in the conversion step and the text data of reception result including the telephone number and *the date* recognized in the recognition step, in accordance with the instruction received (page 69, columns 1 and 2).

Yamada, Wada, and Patel are combinable because they are all from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Yamada and Wada's system include the MIME conversion means, as taught by Patel. The suggestion/motivation for doing so would have been that Yamada and Wada's system would conform with well-known standards of facsimile to e-mail communication, as recognized by Patel on pages 64 and 65. Therefore, it would have been obvious to combine the teachings of Patel with the system of Yamada and Wada to obtain the invention as specified in claim 56.

Regarding ***claim 57***, Yamada discloses a computer program for a communication apparatus (apparatus 111, seen in Figs. 9 and 10, column 13, lines 18 through 20) comprising computer readable program code means for connecting to a computer network (LAN I/F 123, column 14, lines 4 through 7), computer readable program code means for connecting to a public telephone network (facsimile communication unit 117, column 13, lines 36 through 63), computer readable program code means for receiving facsimile image data from a transmitting source via the public telephone network (see Fig. 10, and column 13, lines 37 through 63, and column 14, lines 52 through 62), computer readable program code means for returning a message (see Fig. 14, CED message) in response to a request (CNG message) received from the transmitting source via the public telephone network (see Figs. 3 and 14, column 7, line 63 through column 9, line 26, and column 18, lines 47 through 58), computer readable program code means for receiving first instruction generated based on the message returned by a returning means (see Figs. 11-14, being the SUB signal, having procedure number code "04", "14", or "24", column 15, lines 20 through 25, column 16, lines 28 through 33, and column 17, lines 46 through 52), computer readable program code means for receiving second instruction indicating a facsimile communication without reception of the first instruction received by the first instruction reception code means (see Figs. 11-14, being the SUB signal, having a procedure number code "03", "13", or "23", therein not receiving the first instruction, column 15, lines 13 through 19, column 16, lines 21 through 27, and column 17, lines 40 through 45), computer readable program code means for processing the facsimile image data received by the facsimile reception code means without performing the converting by the conversion code means in a case where the second instruction reception code means receives the instruction (column 15, lines 13

through 53, column 16, line 22 through column 17, line 8, and column 17, line 41 through column 18, line 16), computer readable program code means for recognizing a telephone number of the transmitting source (column 7, line 63-column 8, line 19, wherein within the phase B of G-3 facsimile protocol, a TSI signal is inherently received and detected), computer readable program code means for converting the received facsimile image data into an e-mail data format (electronic mail/file transfer communication procedure controller 122, column 13, line 64 through column 14, line 4), and computer readable program code means for transmitting the e-mail data comprising the image file of the facsimile image data converted by the conversion means in accordance with the instruction received by the instruction by one of the first and second instruction reception code means (column 15, lines 20 through 48, column 16, line 28 through column 17, line 3, and column 17, line 46 through column 18, line 24).

Yamada fails to expressly disclose of means for recognizing a telephone number of the transmitting source **and a reception date of the facsimile image data received by the facsimile reception means**, and subsequently, means for transmitting the e-mail data comprising the image file of facsimile image data and the text data of reception result including the telephone number **and the reception date** recognized by the recognition means.

Wada discloses a method for communication apparatus (see Figs. 1-4) comprising means for connecting to a public telephone network (telephone line 2a, column 3, lines 15-35), facsimile reception means for receiving facsimile image data from a transmitting source via the public telephone network (column 3, line 60-column 4, line 7), returning means for returning a message in response to a request received from the transmitting source via the public telephone network (see Fig. 3A, CED, NSF, CSI, and DIS, being in response to the CI request, column 8,

lines 4-11), first instruction reception means for receiving an instruction generated based on the message returned by the returning means (column 7, line 29-column 8, line 31, see Figs. 3A and 3B), second instruction reception means for receiving an instruction indicating a facsimile communication without reception of the instruction by the first instruction reception means (column 7, line 29-column 8, line 31, see Figs.3A and 3B), recognition means for recognizing a telephone number of the transmitting source and a reception code of the facsimile image data received by the facsimile reception means (column 5, lines 3-44, and column 7, lines 29-44), conversion means for converting the received facsimile image data into *a data format* (column 3, line 61-column 4, line 19), and transmission means for transmitting *the data* converted by the conversion means in accordance with the instruction received by one of the first and second reception means with the telephone number and the reception code recognized by the recognition means (column 5, line 45-column 6, line 2, and column 6, line 53-column 7, line 61).

Yamada & Wada are combinable because they are from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Yamada's system include the facsimile protocol recognition means, as taught by Wada, so that Yamada's system would include a recognition means for recognizing a telephone number of the transmitting source and a reception date of the facsimile image data received by the facsimile reception means, and subsequently, transmission means for transmitting the e-mail data in accordance ...with the telephone number and the reception date recognized by the recognition means. The suggestion/motivation for doing so would have been that Yamada's system would conform with well-known standards of facsimile communication, as recognized by Wada in

column 1, lines 20-68. Therefore, it would have been obvious to combine the teachings of Wada with the system of Yamada.

Continuing, Yamada and Wada both fail to expressly disclose of conversion means for converting the received facsimile image data into an image file, and converting the image file and text data of reception result including the telephone number of the transmitting source and the reception date of the facsimile image data recognized by the recognition means into an e-mail data format in which the image file is one part and the text data of reception result is another part under MIME format.

Patel discloses processing programs within a communication apparatus (fax-MIME gateway, seen in Figs. 3, 4, & 7) comprising a recognition means for recognizing a telephone number of the transmitting source and a *date* of the facsimile image data received by the facsimile reception means (page 65, column 1, page 66, column 1, and Fig. 2), conversion means for converting the received facsimile image data into an image file, and converting the image file and text data of reception result including the telephone number of the transmitting source and *the date* of the facsimile image data recognized by the recognition means into an e-mail data format in which the image file is one part and the text data of reception result is another part under MIME format (page 66, column 2, and page 67, column 1-page 68, column 1), and subsequently, transmission means for transmitting the e-mail data comprising the image file of facsimile image data converted by the conversion means and the text data of reception result including the telephone number and *the date* recognized by the recognition means, in accordance with the instruction received (page 69, columns 1 and 2).

Yamada, Wada, and Patel are combinable because they are all from the same field of endeavor, being facsimile machines that receive facsimile data using standard facsimile protocol. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have Yamada and Wada's system include the MIME conversion means, as taught by Patel. The suggestion/motivation for doing so would have been that Yamada and Wada's system would conform with well-known standards of facsimile to e-mail communication, as recognized by Patel on pages 64 and 65. Therefore, it would have been obvious to combine the teachings of Patel with the system of Yamada and Wada to obtain the invention as specified in claim 57.

Citation of Pertinent Prior Art

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pepe *et al.* (U.S. Patent Number 5,742,905) discloses a system that utilizes an e-mail notification message that includes a text of the telephone number and the reception date.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2622

jrp